IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Bail Appl..No. 5769 of 2007()

SC.1434/2006 of PRINCIPAL SUB COURT,KOLLAM
[CRIME NO.59/2000 OF OACHIRA POLICE STATION]

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PETITIONER/ACCUSED

BIJU, S/O. DAMODHARAN,
RESIDING AT AKKARATHEKKATHIL, PAIKUZHI MURI,
OACHIRA VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.SIJU KAMALASANAN

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, OACHIRA POLICE STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5769 of 2007

Dated this the 25th day of September 2007

O R D E R

Application for regular bail. The petitioner faces allegations in a prosecution for offences punishable inter alia under Section 307 read with 149 I.P.C. The petitioner was not available for trial. Consequently, the case against him has been split up and a new number has been assigned to the said case as S.C.No.1434/2006 before the Principal Assistant Sessions Court, Kollam. The petitioner has surrendered before the court on 15/9/2007. He applied for regular bail. His application for bail was rejected by the learned Magistrate. The petitioner continues in custody from 15/9/2007.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that appropriate safeguards are insisted to ensure the presence of the petitioner at the stage of trial before the Sessions Court and I am satisfied that regular bail can be granted to the petitioner subject to strict and appropriate conditions.

3. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. In the peculiar facts and circumstances of this case, the learned Sessions Judge must scrupulously ensure that the sureties offered are sufficient and solvent.

ii) The petitioner shall surrender his passport, if any, before the learned Assistant Sessions Judge and if he has no passport, an affidavit to that effect can be filed before the learned Judge.

iii) The petitioner shall, within ten days of his release, keep the investigating officer informed of the address of his place of residence. The investigating officer shall also be kept informed of any later changes in the residential address of the petitioner from time to time.

iv) The petitioner shall report to the S.H.O of the Oachira police station between 5 p.m and 6 p.m on the first Sundays of all English calendar months until the case against the petitioner is finally disposed of.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007